

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

**DAVID MIMS and DONNA MIMS,)
Plaintiffs,)
)
)
)
v.)
)
)
) CIVIL ACTION NO.: 12-244
**WAL-MART STORES, INC.; BLITZ) (VEH)
U.S.A., INC.; KINDERHOOK CAPITAL)
FUND II, L.P., and KINDERHOOK) UNOPPOSED
INDUSTRIES, LLC,)
)
Defendants.)****

**MOTION TO ADMIT
TIMOTHY P. HARKNESS PRO HAC VICE**

Defendants, Kinderhook Capital Fund II, L.P. and Kinderhook Industries, LLC, move the Court to admit their counsel in this action, Timothy P. Harkness, *pro hac vice*. Movants would show unto the Court the following:

1. Timothy P. Harkness is a member of the firm of Freshfields Bruckhaus Deringer US LLP. Since 1997, he has been a member in good standing of the New York State Bar Association and admitted to practice before all courts in the State of New York. He is also a member of the Connecticut Bar Association. A certificate of good standing from the clerk of the Appellate Division of the Supreme Court of New York, Second Judicial Department, is attached.

2. Mr. Harkness is admitted to practice before a number of federal courts, including the United States District Courts for the Northern and Southern Districts of New York and the Central District of Illinois and the United States Circuit Court for the Tenth District.

3. Mr. Harkness has been employed to represent these defendants in this action along with local counsel Larry B. Childs and Brian J. Malcom of Waller, Lansden, Dortch & Davis, LLP.

4. Payment of the Court's admission fee is being tendered to the Clerk of this Court.

Of Counsel
**FRESHFIELDS BRUCKHAUS
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/s/ Larry B. Childs
Larry B. Childs
Brian J. Malcom
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*Attorneys for Defendants Kinderhook
Capital Fund II, L.P. and Kinderhook
Industries, LLC*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system which will send notification to the following:

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This the 22nd day of October, 2012.

/s/ Brian J. Malcom
Of Counsel